

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SCOTT CAWTHON,
Plaintiff,

v.

ADELHEID ANNA KONRAD
Defendant.

Docket No.: 1:22-cv-01325

CONSENT ORDER

Based on and subject to the stipulation of Plaintiff, Scott Cawthon (“**Plaintiff**”), and Defendant, Adelheid Anna Konrad (“**Defendant**”), for the entry of a Consent Order embodying their settlement of the above-captioned matter; and the Court having considered the material representations made by Defendant upon which the Plaintiff is reasonably relying as follows: (i) Defendant has sold infringing products (“**Infringing Products**”) based on Plaintiff’s intellectual property, Five Nights at Freddy’s (“**Intellectual Property**”); (ii) Defendant has destroyed all of the unsold Infringing Products remaining in Defendant’s inventory; (iii) without limitation, Defendant has stopped selling all Infringing Products and removed all listings for the Infringing Products from all channels of distribution; (iv) Defendant is not aware of any the specific identities of any other persons or entities who have manufactured exported, imported, sold, offered to sell, or advertised any products that incorporate Plaintiff’s Intellectual Property; (v) Defendant engaged in the production and sale of the Infringing Products independently and did not have any partners, joint venturers, employees or agents who assisted in connection with the activities; (vi) the copyrights related to the Infringing Products and the Intellectual Property are valid and are owned exclusively by Plaintiff; (vii) Defendant’s sale of the Infringing Products as well as any other use of the Intellectual Property did not constitute “fair use;” (viii) that in all other respects, Defendant

has provided completely accurate information that has been relied upon by the Plaintiff in stipulating to the entry of this Consent Order; and (ix) Defendant has read this Consent Order carefully; has had the opportunity to discuss it with independent counsel, if Defendant so chose; and fully understands the provisions of this Consent Order; and believes it is in Defendant's best interests to enter into this Consent Order.

IT IS HEREBY ORDERED AND ADJUDGED that:

1. Based upon the foregoing material representations upon which both the Plaintiff and the Court are reasonably relying in connection with the entry of this Consent Order, the parties having evidenced their consent to the entry of this Consent Order; and for good cause shown, the claims against the Defendant, including any claims for recovery of monetary damages, are hereby dismissed with prejudice, with the parties to bear own respective fees and costs;

2. Defendant is permanently enjoined from any further sale, advertisement, marketing, offer, promotion, import, export, manufacture or distribution, whether at wholesale or retail, in brick-and-mortar stores or online, including without limitation, through the Amazon and similar marketplaces of: (i) the Infringing Products; and (ii) any other product or service bearing, purporting to bear, or otherwise incorporating or referencing: (a) the Intellectual Property; (b) any derivative works thereof; and/or (c) any marks, trade dress or other designations that are likely to cause confusion or mistake in the public mind or to deceive the public into believing that Defendant or any of Defendant's products are affiliated with Plaintiff or the Intellectual Property.

3. Defendant is permanently enjoined from opposing, seeking cancellation of, objecting to, challenging the strength or validity or otherwise attack any of Plaintiff's trademarks,

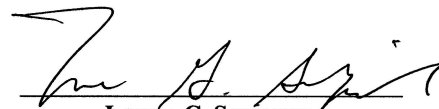
copyrights or domain names, including without limitation, those incorporated within the Intellectual Property.

4. Service of process upon, and/or notices or demands directed to, Defendant shall be effective upon Defendant by issuing such communication by email to: konradstore@gmail.com and sending it by mail to: Route de Florissant 16, Geneva, Geneva, 1206 Switzerland.

5. This Court shall retain jurisdiction over the parties to enforce the terms of this Consent Order.

So Ordered. The Clerk of Court is respectfully directed to close the case.

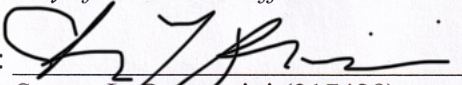
DATED this 18 day of March, 2022.



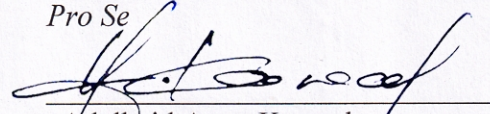
LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

We hereby consent to the form and entry of this consent order:

NISSENBAUM LAW GROUP, LLC
Attorneys for the Plaintiff

By: 
Steven L. Procaccini (317428)

DEFENDANT
Pro Se



Adelheid Anna Konrad